

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

ROBERT S. GARRISON, JR.,

Plaintiff,

v.

DEPARTMENT OF ENERGY,

Defendant.

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CIVIL ACTION NO. 5:22-CV-00034-RWS

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge (Docket No. 4), which contains her findings, conclusions and recommendations for the disposition of this matter. The Court hereby adopts the Report and Recommendation of the Magistrate Judge as the findings and conclusions of this Court. Plaintiff Robert S. Garrison, Jr. filed the above-titled civil action on February 28, 2022. Docket No. 1. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636 and the applicable orders of this Court. After review of Plaintiff's form complaint, the Magistrate Judge issued a Report recommending the lawsuit be dismissed without prejudice *sua sponte* for want of jurisdiction and frivolousness. Docket No. 4. Plaintiff acknowledged receipt of the Report and Recommendation (Docket No. 5), but he filed no objections in response.

Plaintiff is, therefore, barred from *de novo* review by the District Court of the Magistrate Judge's findings, conclusions and recommendations; and, except upon grounds of plain error, Plaintiff is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *see also Arriaga v. Laxminarayan*, No. 4:21-CV-00203-RAS, 2021 WL 3287683,

at *1 (E.D. Tex. July 31, 2021) (noting Plaintiff was not entitled to *de novo* review of the Magistrate Judge's findings where Plaintiff did not acknowledge receipt of the Report and Recommendation or file any objections thereto).

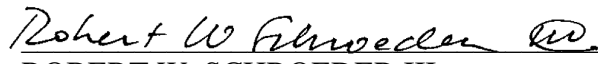
The Court has reviewed the pleadings in this cause of action and the Report of the Magistrate Judge. Upon such review, the Court concludes that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate Judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"), *cert. denied*, 492 U.S. 918 (1989). Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 4) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-titled cause is **DISMISSED WITHOUT PREJUDICE**. It is further

ORDERED that any and all motions currently pending in this civil action are hereby **DENIED-AS-MOOT**.

So ORDERED and SIGNED this 22nd day of April, 2022.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE